

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

WALTER McGHEE, II,)	
)	
Plaintiff,)	
)	
VS.)	No. 12-2789-JDT-tmp
)	
COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE

On April 19, 2013, Magistrate Judge Tu M. Pham submitted a report and recommendation pursuant to 28 U.S.C. § 1915(e) which provides that, in a case in which *in forma pauperis* status has been granted, the court is to sua sponte dismiss that case, in whole or in part, before service on the defendants if it determines that the action is frivolous or malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. In the present case, Magistrate Judge Pham has recommended that any claim brought under 42 U.S.C. § 1983 be dismissed and that the remaining claim be construed as one under 42 U.S.C. § 405(g) for judicial review of an adverse decision by the Commissioner of Social Security.

Plaintiff has failed to file any objections to the report and recommendation. Consequently, the report and recommendation is hereby ADOPTED in its entirety. The clerk

of the court is DIRECTED to amend the docket sheet to show that the proper defendant in this matter is the Commissioner of Social Security and the claim is one under 42 U.S.C. § 405(g). Additionally, the clerk is DIRECTED to issue process in accordance with the requirements of Fed. R. Civ. P. 4(i) and deliver it to the United States Marshal for proper service. All costs of service shall be advanced by the United States.

The order referring the management of this case to Magistrate Judge Pham on March 27, 2013, is hereby WITHDRAWN.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE